

**Minutes of the Regular Meeting of the
STATE BOARD OF EDUCATION
2500 NORTH LINCOLN BOULEVARD
STATE BOARD ROOM, SUITE 1-20
OKLAHOMA CITY, OKLAHOMA**

December 16, 2021

The State Board of Education (Board) met in regular session at 1:03 p.m. on Thursday, December 16, 2021, in the Board Room of the Oliver Hodge Education Building at 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. The final agenda was posted at 11:30 a.m. on Wednesday, December 15, 2021.

The following were present:

Mr. Brad Clark, General Counsel to the Oklahoma state Dept. of Education (OSDE)
Mr. Travis Jett, Counsel to the Board
Ms. Terrie Cheadle, Chief Executive Secretary

Members of the State Board of Education present:

State Superintendent Joy Hofmeister, Chairperson of the Board
Mr. Brian Bobek, Oklahoma City
Mrs. Estela Hernandez, Oklahoma City
Mr. Trent Smith, Yukon
Mrs. Jennifer Monies, Oklahoma City

Members of the State Board of Education not present:

Mrs. Carlisha Williams Bradley, Tulsa

Others in attendance are shown as an attachment.

**CALL TO ORDER
ROLL CALL**

State Superintendent Joy Hofmeister called the State Board of Education regular meeting to order at 1:03 p.m. Ms. Cheadle called the roll and ascertained there was a quorum.

**PLEDGE OF ALLEGIANCE, OKLAHOMA
FLAG SALUTE, AND MOMENT OF SILENCE**

Superintendent Hofmeister led Board Members and all present in the Pledge of Allegiance to the American Flag, a salute to the Oklahoma Flag, and a moment of silence.

LEGAL SERVICES/STATE BOARD OF EDUCATION OFFICE

**Withhold \$9,111,727.60 from Epic Charter Schools, pursuant
to 70 O.S. § 18-118 - Approved**

Brad Clark, General Counsel, said the Office of the State Auditor and Inspector conducted a special investigative audit July 2019 of Epic Charter Schools and all Epic entities. Mr. Clark presented the three-year audit (2016, 2017 and 2018) released October 1, 2020 that disclosed \$11.23M improper apportionment, disbursements, and fund classification and recommendation to withhold \$9,111,727.60 from Epic Charter Schools.

Board members discussed an asked questions regarding the presentation that included Administrative Cost laws and regulations, administrative codes, functions discrepancies/penalties; Title VII fund disbursements; State Board of Education (SBE) responsibilities, reimbursement demands, SAI Audit findings and penalties; Epic response timeline; OSDE independent review; school and board change of power, current administration working with SDE and State Auditor in timely responses, no financial determination disputes and final determination.

Board member Bobek moved to approve withholding \$9,111,727.60 from Epic Charter Schools' state aid, over the next 12 months, beginning with the next allocation. Board member Hernandez seconded the motion. The motion carried with the following votes: Mr. Smith, yes; Ms. Hernandez, yes; Mr. Bobek, yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

PUBLIC COMMENT

Patricia Fuentes, NAACP Chair, signed up to address pandemic impact and changes effect Oklahoma children, public schools, and teaching environment of black, Hispanic, and low-income students to guarantee their quality education.

Resolve into Executive Session
pursuant to 25 O.S. §§ 307 (B) (4) (7) and (8) for the purpose of
conducting confidential communication between the State Board of Education and legal
counsel concerning **Western Heights Independent School District No. I-41 of**
Oklahoma County and Mannix Barnes, Superintendent v. State of Oklahoma, ex
rel., Oklahoma State Board of Education, et al., Case No. CV-21-9457, in the
District Court of Oklahoma County, State of Oklahoma, Case No. 119799, in the
Supreme Court of the State of Oklahoma, the State Board having been advised by legal
counsel that disclosure will seriously impair the ability of the State Board to conduct the
litigation in the public interest.

Convene into Executive Session

Board member Bobek moved to convene into Executive Session at 11:35 a.m. Board member Monies seconded. The motion carried with the following votes: Mr. Smith, yes; Ms. Hernandez, yes; Mr. Bobek, yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

Return to Open Session

Board member Bobek moved return to Open Session at 2:32 p.m. Board member Monies seconded. The motion carried with the following votes: Mr. Smith, yes; Ms. Hernandez, yes; Mr. Bobek, yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

Superintendent Hofmeister said no decisions made during the Executive Session. Mr. Jett remained in the Executive Session.

Approved, modify, and/or deny actions and inactions of Western Heights Public Schools Board of Education at its November 8, 2021, and December 13, 2021, meeting pursuant the terms of conditions of State Intervention and Accredited with probation, as modified on July 12, 2021 – Approved

Board members asked questions and discussed Mr. Clark's review of the July 2021 modified accreditation status, state intervention, terms and conditions, local school board meetings; Mannix Barnes emergency suspension of teaching certificates court appeals, Judge Timmons November 19 ruling, OSDE authority of accreditation and operations, SBE statutory, constitutional authority and intervention actions; SBE support to Western Heights community, address local school board decisions to service students, board member resignation requests and new board leadership.

Travis Jett, Counsel to the Board advised on the court ruling CV-21-945, SBE authority, intervention, and modification of local school board's denial to hire two 8th grade coaches.

Board member Monies said pursuant to the State Board's authority, as outlined in CV-21-945, to intervene and operate Western Heights School District moved to modify and revise the Western Heights School Board's decision and hire William Boone and Brian McBee. Board member Bobek seconded the motion. The motion carried with the following votes: Mr. Smith, yes; Ms. Hernandez, yes; Mr. Bobek, yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

Approve the renewal of the charter school sponsorship contract between the Academy of Seminole, and the State Board of Education - Approved

Mr. Clark advised on Agenda item 4. (d) (e) and (f) related to the State Board of Education five-year renewal contracts for charter school sponsorship expiring June 30, 2021. Charter schools recommended for five-year renewal included Academy of Seminole, LeMonde International Schools, and Office of Juvenile Affairs.

Board member Smith moved to approve the Academy of Seminole charter school sponsorship 5-year contract renewal and to present framework later. Board member Bobek seconded the motion. The motion carried with the following votes: Mr. Smith, yes; Ms. Hernandez, yes; Mr. Bobek, yes; and Ms. Monies, yes.

Approve the renewal of the charter school sponsorship contract between the Le Monde International School, and the State Board of Education - Approved

Mr. Clark advised a correction was made to the grade span to reflect preK-8 not preK-12.

Board member Monies moved to approve the charter school sponsorship 5-year contract renewal with LeMonde International School with the caveat to change the grade span from pre-K-12 to preK-8. Board member Hernandez seconded the motion. The motion carried with the following votes: Mr. Smith, yes; Ms. Hernandez, yes; Mr. Bobek, yes; and Ms. Monies, yes.

Approve the renewal of the charter school sponsorship contract between the Office of Juvenile Affairs, and the State Board of Education - Approved

Board member Hernandez moved to approve the charter school sponsorship 5-year contract renewal with Office of Juvenile Affairs. Board member Monies seconded the motion. The motion carried with the following votes: Mr. Smith, yes; Ms. Hernandez, yes; Mr. Bobek, yes; and Ms. Monies, yes.

GOVERNMENT AFFAIRS

Presentation on the American Rescue Plan's (ARP), Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act and the Coronavirus Aid, Relief and Economic Security (CARES) Act

Carolyn Thompson, Chief of Government Affairs/ Deputy Chief of Staff presented an update on the use of congressional appropriated COVID relief funds for common education that included federal and state funding legislation (CARES Act, CRRSA, ARP), funding in Elementary and Secondary Emergency Relief (ESSER I, II, III) required distributions, reserve percentages, and State Education Agency (SEA) flexibilities and waivers; United State Department of Education (USDE) grant process, awards, state allocation requirements and expenditure timelines.

Board members discussed and asked questions regarding USDE ESSER I, II, III, and required ARP state plan, application process, stakeholders, and fund distributions/timelines; use of prescribed percentages to prepare/respond to COVID-19, expenditures, and emergency needs grant; administrative fund use and initiatives.

CONSENT DOCKET - Approved

Discussion and possible action on the following deregulation applications, statutory waivers, and exemptions for the 2021-2022 school year and other requests:

- (a) **Abbreviated School Day – OAC 210:35-29-2 and 210:35-3-46
3 Year**
Purcell Public Schools, McClain County

- (b) **Cooperative Agreements for Alternative Education Programs – 70
O.S. § 1210.568**
Haywood Public Schools, Pittsburg County

3 Years
Pioneer Public Schools, Grady County
Pawnee Public Schools, Pawnee County
Yale Public Schools, Payne County

- (c) **Library Media Services – OAC 210:35-5-71 and 210:35-9-71**
Duke Public Schools, Jackson County
Millwood Public Schools, Oklahoma County
(Millwood Elementary Learning Academy)

3 Years
Piedmont Public Schools, Canadian County

- (d) **Library Media Specialist Certificate Exemption - 70 O.S. § 3-126**
Dewar Public Schools, Okmulgee County

- (e) Request approval on exceptions to State Board of Education Teacher certification regulations to permit issuance of emergency (provisional) certificates –**70 O.S. § 6-187**

- (f) Discussion and possible action on payment of joint federal program claims listed below - **OAC 210:25-3-7(12)**

Grand View ESSER II 793
Kiefer ESSER II 793
McAlester ESSER II 793
Varnum CARES

- (g) Request approval for **Claremore Christian Schools (CCS)** to participate in the Lindsey Nicole Henry Scholarships for Students with Disabilities program

- (h) Request approval for **James Caraway Christian Academy (JCCA)** to participate in the Lindsey Nicole Henry Scholarships for Students with Disabilities program
- (i) Request approval for **School of Saint Mary** to participate in the Lindsey Nicole Henry Scholarships for Students with Disabilities program
- (j) Request approval for **St Mary's Catholic School (SMCS)** to participate in the Lindsey Nicole Henry Scholarships for Students with Disabilities program
- (k) Request approval for **Terra Verde Discovery School** to participate in the Lindsey Nicole Henry Scholarships for Students with Disabilities program

Board members discussed and asked questions with regarding **Consent Docket** waiver requests on:

6.(a) **Exceptions – Jeff Smith** provided clarity on emergency alternative certification waiver request when applicant is currently degreed in Elem Education.

6.(c) **Library Media Services** - Ryan Pieper, Executive Director of Accreditation provided clarity **Duke Public Schools** and **Millwood Public School** waiver request due to library construction and one year approval recommended

6.(f) **Kiefer Public Schools** - Dr. Kathy Dodd provided clarity on waiver ordering date and warranty date due to supply chain issues. Warranty date is date when order is issued but waiver request could not present due to cancellation of the November 2021 SBE meeting.

Board member Monies moved to approve the Consent Docket. Board member Smith seconded the motion. Board member Hernandez seconded. The motion carried with the following votes: Mr. Smith, yes; Ms. Hernandez, yes; Mr. Bobek, yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

BOARD ADMINISTRATIVE

Minutes of the October 28, 2021, regular State Board of Education meeting – Approved

Board member Monies moved to approve minutes of the October 28, 2021, regular State Board of Education meeting. Board member Bobek seconded the motion. The motion carried with the following votes: Mr. Smith, yes; Ms. Hernandez, yes; Mr. Bobek, yes; Ms. Monies, yes; and Superintendent Hofmeister, yes.

First-Year Superintendents

First-year Superintendent Todd Vail, Boone-Apache Public Schools, attended the meeting.

STATE SUPERINTENDENT

Recognition of Department Employee for the month of December: Michelle Seybolt

Superintendent Hofmeister recognized Michelle Seybolt, Executive Director of School Support, for outstanding leadership, professionalism and going above and beyond in meeting the needs of children, school districts and OSDE.

Recognition of Department Employees for years of service to the state of Oklahoma: Jennifer Horton, SoonerStart – 25 years Jeff Smith, Teacher Certification- 25 years

Superintendent Hofmeister recognized Jennifer Horton, Regional Early Intervention Coordinator, SoonerStart for 25 years and Jeff Smith, Executive Director, Teacher Certification for 25 years of service to the state of Oklahoma.

ADJOURNMENT

Board member Smith moved to adjourn the meeting at 4:23 p.m. Board member Hernandez seconded the motion. The motion carried by unanimous vote.

The next regular meeting of the State Board of Education will be held on Thursday, January 27, 2022, at 9:30 a.m. The meeting will convene at the State Department of Education-State Board Room, 2500 North Lincoln Blvd., Oklahoma City, Oklahoma.

Joy Hofmeister, Chairperson of the Board

Terrie Cheadle, Chief Executive Secretary